



## United States Department of the Interior



### BUREAU OF LAND MANAGEMENT

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#### In Reply Refer to:

4120 (NVL0300)

Dear Interested Public:

The Bureau of Land Management (BLM) Caliente Field Office has completed a Preliminary Environmental Assessment (EA) for the proposed range improvement project on the Murphy Gap, South Coal Valley, and Coal Valley Lake Allotments. The EA is attached for your review and opportunity to comment and provide input.

The proposed action analyzed in the EA is to construct approximately 11.8 miles of fence along the boundary of the Murphy Gap Allotment and the South Coal Valley Allotment and install a pipeline from Baseline Canyon Federal Unit #2 (existing well) to a trough located approximately 1.25 miles south.

BLM's purpose and need for the fence, water pipeline and trough is to improve livestock management on the Murphy Gap and South Coal Valley Allotments through better distribution and to implement a guideline to help continue progress toward achieving the standards and guidelines for rangeland health as approved by Nevada's Mojave-Southern Great Basin Resource Advisory Council (1997).

Please review the preliminary EA, and provide written comments by **April 16, 2010**. Please address all comments to: Gina Jones, Ecologist Bureau of Land Management Egan Field Office HC 33, Box 33500 Ely, Nevada 89301.

Also, before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment including your personal identifying information may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Thank you for your participation. For more information about this project, please contact Gina Jones, Ecologist at (775) 289-1800 or [gina\\_m\\_jones@blm.gov](mailto:gina_m_jones@blm.gov). I appreciate your time.

Sincerely,

*/s/ Victoria Barr*

Victoria Barr  
Field Manager  
Caliente Field Office

**U.S. Department of the Interior  
Bureau of Land Management**

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**Preliminary Environmental Assessment  
DOI-BLM-NV-L030-2010-0020-EA  
March 2010**

**Murphy Gap and South Coal Valley  
Allotment Boundary Fence  
and  
Coal Valley Livestock Water Pipeline and Trough**

*Location: Lincoln County, Nevada*

U.S. Department of the Interior  
Bureau of Land Management  
Ely District Office  
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## **1.0 INTRODUCTION**

This Environmental Assessment (EA) has been prepared to analyze the environmental effects of the proposal relative to the Murphy Gap and South Coal Valley allotments boundary fence, water pipeline and trough. The EA is a site-specific analysis of potential effects that could result with the implementation of a proposed action or alternatives to the proposed action. The EA assists the Bureau of Land Management (BLM) in project planning and ensuring compliance with the National Environmental Policy Act (NEPA), and in making a determination as to whether any “significant” impacts could result from the analyzed actions. “Significance” is defined by NEPA and is found in Chapter 40 of the Code of Federal Regulations (CFR) §§1508.27. An EA provides evidence for determining whether to prepare an Environmental Impact Statement (EIS) or a statement of “Finding of No Significant Impact” (FONSI).

The proposed project area is located approximately 20 air miles north of Hiko, NV (Figure I). The legal descriptions for the project area are as follows:

The following is the location of the proposed fence

T1S, 59E sections 3, 10, 15, 22, 27, 34, 35

T2S, R59E sections 2, 1

T2S, R60E sections 6, 5

T1N, R59E sections 27, 34

The following is the location of the proposed pipeline and trough

T1N, R59E sections 21, 28, 33

### **1.1 Tiering**

This document is tiered to the Ely Proposed Resource Management Plan/Final Environmental Impact Statement (RMP/EIS) released in November 2007. Should a determination be made that implementation of the proposed or alternative actions would not result in “significant environmental impacts” or “significant environmental impacts beyond those already addressed in the RMP/EIS”, a FONSI would be prepared to document that determination.

### **1.2 Background**

The Seaman Herd Management Area Final Multiple Use Decision (FMUD) signed in 1996 identified the following long-term management action:

South Coal Valley fence will function as a boundary fence to separate the Murphy Gap Allotment from the South Coal Valley Allotment. All livestock permittees will run in common until the two allotments are separated by the construction of a fence.

On November 22, 1996 BLM acting as agent for ten private individuals or entities filed an Application for Permit to appropriate the Waters of the State of Nevada on Baseline Canyon Federal Unit #2, a reconditioned well originally drilled by Eagle Exploration, Inc. out of Reno, Nevada. The application asked for permission to use 0.1448 cfs (cubic

feet per second) and not to exceed 16 AFA (acre-feet annually) for the beneficial use of stock watering and wildlife (1380 cattle, 5715 sheep, and 25 antelope). BLM subsequently withdrew its proposed beneficial use for wildlife and as such the State Engineer of Nevada approved the application on November 06, 2000 for the use of 0.0084 cfs or sufficient to water 225 cattle and 1,000 sheep. Proof of beneficial use (PBU) was to be filed with the State Engineer on or before December 06, 2005. Several attempts have been made by one or a group of several permit owners to file the required PBU with the State Engineer. PBU filings have been previously rejected on the basis that all owners were not represented on the PBU form. The most recent rejection came on January 26, 2010 on the basis that all current owners of record of Permit 62615 were not shown as current grazing permittees with BLM. No Certificate of Appropriation for Permit 62615 has yet been issued by the State Engineer.

Ownership (title) of the right to use water belongs to the 10 private individuals or entities for which the BLM made the original application. BLM does not hold title to any amount of water from Baseline Federal Canyon Unit #2 well. All titleholders own all the water in common and no division of water was asked for in the application nor granted by the State Engineer. The Point of Diversion for permit 62615 was given as SW¼ SW¼ Section 21 T01N R59E MDB&M. The only permitted Place of Use for any water from Baseline Canyon Federal Unit #2 well was given as SW¼ Section 21 T01N R59E MDB&M. The works to be used were the existing well, 5hp (horse power) pump, 20,000 gallon storage tank(s), and trough(s).

### **1.3 Purpose and Need for the Proposed Action:**

The BLM's purpose for the fence is to prevent livestock drifting from the South Coal Valley Allotment to the Murphy Gap Allotment and conversely from the Murphy Gap Allotment to the South Coal Valley Allotment. The need is to prevent unauthorized use and allow for better livestock management thereby improving distribution and enhance rangeland/habitat conditions. The proposed action would help in progressing toward achieving the standards and guidelines for rangeland health as approved by Nevada's Mojave-Southern Great Basin Resource Advisory Council.

BLM's purpose and need for the water pipeline and trough is to improve livestock management on the Murphy Gap Allotment through better distribution and to implement a guideline to help continue progressing toward achieving the standards and guidelines for rangeland health as approved by Nevada's Mojave-Southern Great Basin Resource Advisory Council (1997).

### **1.4 Conformance with BLM Land Use Plan(s):**

This EA is in conformance with the Ely District Record of Decision and Approved Resource Management Plan (RMP) (August 20, 2008). The Livestock Grazing objective states, "To allow grazing to occur in a manner and at levels consistent with multiple use, sustained yield, and the standards for rangeland health."

### **1.5 Relationship to Statutes, Regulations, or other Plans:**

The proposed action is consistent with the Final Multiple Use Decision (FMUD) for those Allotments located within the Seaman Herd Management Evaluation Area (1996).

The proposed action is in compliance with the following laws, regulations, Executive Orders, county public land plans, and other plans:

- The National Environmental Policy Act of 1969 (42 U.S.C. §§ 4321-4347, January 1, 1970, as amended 1975 and 1994)
- The Federal Land Policy and Management Act of 1976 (43 U.S.C. §§ 1701-1782, October 21, 1976, as amended 1978, 1984, 1986, 1988, 1990-1992, 1994 and 1996)

### **County Land Use Plans**

- Lincoln County Public Land and Natural Resource Management Plan (1997).

### **Wildlife, Special Status Species, and Migratory Birds**

- Migratory Bird Treaty Act (16 U.S.C. §§ 703-712, July 3, 1918, as amended 1936, 1960, 1968, 1969, 1974, 1978, 1986 and 1989).
- Executive Order 13186: Responsibilities of Federal Agencies to Protect Migratory Birds (2001).

### **1.6 Scoping and Issues:**

An external scoping period from February 19, 2009 through March 5, 2009 allowed those publics interested in range improvements to comment on the proposed action. The interested public letter was posted on the Ely BLM website at <http://www.blm.gov/nv/st/en.html>

No comments were received during the external scoping period.

Internal scoping was conducted by a BLM interdisciplinary (ID) team on August 26, 2008 to analyze the proposed action. The following preliminary issues identified were how the alternatives will affect water resources.

## **2.0 DESCRIPTION OF ALTERNATIVES, INCLUDING PROPOSED ACTION**

### **2.1 Introduction:**

The previous chapter presented the Purpose and Need for the proposed project, as well as the relevant issues, i.e., those elements that could be affected by the implementation of the proposed project. To meet the purpose and need of the proposed project in a way that resolves the issues, the BLM has developed alternatives. These alternatives, including a no action alternative, are presented below. The potential environmental effects resulting from the implementation of each alternative are then analyzed in Chapter 3 for each of the identified issues in Table 1.

### **2.2 Alternative A - Proposed Action:**

The proposed action is to construct approximately 11.8 miles of fence along the boundary of the Murphy Gap Allotment and the South Coal Valley Allotment and install a pipeline from Baseline Canyon Federal Unit #2 (an existing well) to a trough located approximately 1.25 miles to the south (Figure I). Authorization and construction of the

pipeline and fence will be contingent upon all title holders for permit 62611 to comply with state of Nevada Water Law.

### **2.2.1 Proposed Pipeline**

The following is the location of the proposed pipeline and trough:  
T1N, R59E sections 21, 28, 33

As proposed, the pipeline would cross the existing allotment boundary fence between Coal Valley Lake Allotment and Murphy Gap Allotment from an existing well. Baseline Canyon Federal Unit #2 is located in the southwestern corner of the Coal Valley Lake Allotment and was originally drilled as part of a mineral exploration project. The permittee proposes to supply, install, and maintain approximately 1.25 miles of pipeline and 1 trough. A cooperative agreement would be entered into for construction and maintenance of the pipeline.

Pipeline construction would include installation of pipeline below ground surface by trenching machinery. At this time, the well is equipped with a submersible pump powered by a portable generator. Storage tanks and water troughs are located at the well site and would continue to serve as an on-site water source for some livestock following construction of this pipeline. The proposed pipeline would deliver water by gravity flow from the storage tanks to the water trough or a “booster” pump would be installed by the permittee if needed. The proposed water trough location is at an area lower in elevation relative to the well and would be adjacent to an existing road. A wildlife escape ramp would be installed in the water trough. Installation of the pipeline and water trough would be completed in accordance with specifications and best management practices (RMP 2008). New road construction would not be included for this project but a two-track road would be created and remain visible until vegetation is naturally restored.

### **2.2.2. Proposed Boundary Fence**

The following is the location of the proposed fence:  
T1S, 59E sections 3, 10, 15, 22, 27, 34, 35  
T2S, R59E sections 2, 1  
T2S, R60E sections 6, 5  
T1N, R59E sections 27, 34

Construction of the proposed 11.8 miles of fence would be completed through a contractor. Fence construction would involve the use of pick-up trucks, post-hole diggers attached to tractors or backhoes and other equipment as necessary. New road construction would not be included for the proposed fenceline, but a two-track road would be created and remain visible until vegetation is naturally restored along the fence. Existing roads will be utilized to the extent possible. The fence would be a standard BLM 4-wire fence built to meet specifications regarding cattle and wildlife (BLM Manual 1737), consisting of a smooth bottom wire and three strands of barbed wire. White flagging would be attached to the top wire between posts during construction to alert livestock and/or wildlife to the new fence (RMP 2008). Standard operating procedures (SOP) that are

applicable to this project and would be followed from the programmatic district fenceline Environmental Assessment NV-040-05-027 are listed in Appendix I.

Maintenance of fence would be accomplished by operator(s) through cooperative agreements with the BLM. Maintenance of fences is defined as the labor and materials needed to keep an existing fence in a condition adequate to prevent livestock movement through, under, or over the fence. At this time maintenance responsibility would consist of:

- Ensuring that all strands of fence wire between fence posts are tightly stretched and secured to the fence posts by metal clips or staples as appropriate for the type of post.
- Ensuring that all fence posts are securely in place and that bent, broken, or missing posts and stays are replaced as needed.
- Ensuring that all wooden stretch panels, corner braces, and gateposts are securely in place and in sound condition. Rotten or broken posts must be replaced as needed.
- Ensuring that all strands of fence wire and fence spacing wire or wood poles which form the gates are properly stretched and secured. Each gate should have a mechanical latch for secure closure of the gate.
- Ensuring that the appropriate Bureau standards are maintained.
- Ensuring that the spacing of all wires is maintained as built to original specifications.

Two cattleguards (with wings, posts bases, and grids included) would be needed, one at each of the two major road crossings. One cattleguard (8 x 14 ft grid with wings, posts, and bases) would be installed in Section 27 T1S R59E, and a second cattleguard (8 x 14 ft. grid with wings, posts, and bases) would be installed in Section 5 T2S R60E. Normal maintenance and upkeep of cattle guards would be accomplished through cooperative agreements with operators, which includes:

- Cleaning the pit under the cattle guard to the extent required to prevent livestock movement over it and to ensure adequate drainage.
- Any rails that are cut or damaged would be returned to original Bureau standards.
- Any wings that are cut or damaged would be returned to original Bureau standards. This also includes keeping wires taut that are stretched between the wings and posts.

### **2.2.3 Cultural Resources**

A Cultural Resource inventory would be performed prior to ground disturbing activities.



If resources are identified, appropriate actions would occur to either avoid and/or mitigate.

The following Best Management Practice (BMP) would apply during the construction phase:

- Ensure that all activities associated with the undertaking, within 100 meters of the discovery, are halted and the discovery is appropriately protected, until the BLM authorized officer issues a Notice to Proceed.

#### **2.2.4 Noxious and Invasive Weeds**

The stipulations listed in the Weed Risk Assessment (See Appendix II) will be followed when construction of the fence, pipeline, trough and cattle guards occurs.

#### **2.2.5 Migratory Birds**

Fence construction and/or fenceline construction is not anticipated during the migratory bird nesting period, from April 15 to July 15. If fence construction is necessary during that period, a survey of the fence route would be completed prior to construction by a wildlife biologist to identify active nests so that they may be avoided.

#### **2.2.3 Monitoring**

Monitoring will be conducted in the form of compliance checks during and after construction of the project. Rangeland monitoring data would continue to be collected in accordance with the Ely District Approved Resource Management Plan (August 2008).

### **2.3 Alternative B – No action Alternative**

The No Action Alternative represents the status quo – not approving or implementing the Proposed Action. Under the no action alternative there would be no installation of fence and a pipeline would not be constructed to deliver water to the proposed trough site within the Murphy Gap Allotment.

### **2.4 Alternatives Considered, but Eliminated from Further Analysis**

No other alternatives are needed to address unresolved conflicts concerning alternative uses of available resources.

## **3.0 AFFECTED ENVIRONMENT/ENVIRONMENTAL EFFECTS**

### **3.1 General Setting**

The South Coal Valley Allotment encompasses approximately 46,702 public land acres. The grazing allotment occurs within Lincoln County, and is situated approximately 20 miles north of Hiko, Nevada (Figure 1). The eastern portion of the South Coal Valley Allotment is within the Seaman Range Wild Horse Herd Area. There are four permittees (Table 1) with permitted use on the South Coal Valley Allotment.

Table 1. Permitted grazing use on the South Coal Valley Allotment in Lincoln County, Nevada.

Operator Number	Allotment Name	Period of Use	Livestock Kind	AUMs
2705122	South Coal Valley	9/1 to 5/15	Cattle	118
2700038	South Coal Valley	9/1 to 5/15	Cattle	152
2704736	South Coal Valley	12/1 to 5/15	Sheep	1357
2703324	South Coal Valley	9/1 to 5/15	Cattle	566

The Murphy Gap Allotment encompasses approximately 35,210 public land acres. The grazing allotment occurs entirely within Lincoln County, and is situated approximately 35 miles north of Hiko, Nevada (Figure 1). There are two permittees (Table 2) with permitted use on the Murphy Gap Allotment.

Table 2. Permitted grazing use on the Murphy Gap Allotment in Lincoln County, NV.

Operator Number	Allotment Name	Period of Use	Livestock Kind	AUMs
2700046	Murphy Gap	10/1 to 4/15	Sheep	1294
2704736	Murphy Gap	12/1 to 4/15	Sheep	657

Within the project area, plant communities are characterized by salt desert shrub dominated by Bailey's greasewood (*Sarcobatus baileyi*) and shadscale (*Atriplex confertifolia*) or shadscale and bud sagebrush (*Picrothamnus desertorum*) which occur extensively throughout the low elevations. Winterfat (*Krascheninnikovia lanata*) occurs both in pure monospecific stands and as a primary component of mixed shrub communities, commonly with shadscale.

Wildlife species that may occur in Coal Valley could include small mammals such as antelope ground squirrels (*Ammospermophilus leucurus*), black tailed jack rabbits (*Lepus californicus*), and several species of kangaroo rats (*Dipodomys* spp.). Mule deer (*Odocoileus hemionus*) occupy some habitats within the Golden Gate Range on a seasonal (winter) basis, and in the Seaman Range. Pronghorn antelope (*Antilocapra americana*) occur in the valley bottom. Coyotes (*Canis latrans*) are one species of predator known to occur in this area. Raptors, including golden eagles (*Aquila chrysaetos*), ferruginous hawk (*Buteo regalis*), and turkey vultures (*Cathartes aura*), occasionally forage within the lower elevation portions of Coal Valley. Reptile species in the area include western fence lizard (*Sceloporus occidentalis*), desert spiny lizard (*Sceloporus magister*), desert horned lizard (*Phrynosoma platyrhinos*), and longnose leopard lizard (*Gambelia wislizenii*).

### 3.2 Resources/Concerns Analyzed

The following items (Table 3) have been evaluated for the potential for significant impacts to occur, either directly, indirectly, or cumulatively, due to implementation of the proposed action. Consideration of some of these items is to ensure compliance with laws, statutes or Executive Orders that impose certain requirements upon all Federal actions. Other items are relevant to the management of public lands in general and to the Ely BLM in particular.

**Table 3.** Supplemental Authorities and Ely District additional resources to consider.

Resource/Concern	Issue(s) Analyzed (Y/N)	Rationale for Dismissal from Detailed Analysis or Issue(s) Requiring Detailed Analysis
Air Quality	N	There would be temporary increased dust during construction. The affected area is not within an area of non-attainment or areas where total suspended particulates or other criteria pollutants exceed Nevada air quality standards. Detailed analysis is not necessary.
Areas of Critical Environmental Concern (ACEC)	N	Resource is not present in project area.
Cultural Resources	N	Cultural resource surveys will take place prior to construction. All cultural resources will be avoided. Detailed analysis is not necessary.
Environmental Justice	N	No minority or low-income groups would be disproportionately affected by health or environmental effects. Concern is not present.
Farm Lands (Prime or Unique)	N	Prime or Unique Farmlands do occur in the project area. Proposed action will not affect the classification or potential identified Prime or Unique Farmlands.
Floodplains	N	Resource is not present in project area.
Forest Health	N	Resource is not present in project area.
Human Health and Safety	N	The proposed action would have no impact to human health and safety. All BMPs from the RMP will be followed during construction.
Migratory Birds	N	Fence construction and/or pipeline construction is not anticipated during the migratory bird nesting period, from April 15 to July 15. If fence construction is necessary during that period, a survey of the fence route would be completed prior to construction by a wildlife biologist in order to identify active nests so that they may be avoided. A list of bird species that may be present in the area is included in Appendix III.
Native American Religious and Other Concerns	N	No concerns were identified during coordination.
Non-Native, Invasive and Noxious Species	N	Russian thistle is found throughout the project area. No noxious weeds exist within the project area or adjacent to the project area (see Appendix II). The design features (weed stipulations) of the proposed action will help minimize the spread of weeds. No further analysis is necessary.
Paleontological Resource	N	No known resources are present.

Resource/Concern	Issue(s) Analyzed (Y/N)	Rationale for Dismissal from Detailed Analysis or Issue(s) Requiring Detailed Analysis
Threatened and Endangered Species	N	Resource is not present in the project area.
Wastes, Hazardous or Solid	N	The proposed action would not result in the creation of hazardous wastes or solid.
<b>Water Resources</b>	<b>Y</b>	<b>Impacts assessed in EA.</b>
Wetlands/Riparian Zones	N	No riparian areas and/or wetland zones are present in the proposed project area.
Wild and Scenic Rivers	N	Resource is not present.
Wilderness/ WSA	N	Resource is not present in project area.
Special Status Animal Species, other than those listed or proposed by the FWS as Threatened or Endangered	N	Special status bird species golden eagle ( <i>Aquila chrysaetos</i> ), ferruginous hawk ( <i>Buteo regalis</i> ), and loggerhead shrike ( <i>Lanius ludovicianus</i> ) may be present within or near the project area. However, adherence to the minimization measure in the Migratory Bird section of the proposed action, will avoid impacts to these species.
Special Status Plant Species, other than those listed or proposed by the FWS as Threatened or Endangered	N	Resource is not present in the project area. Special status plant species sheep fleabane ( <i>Erigeron ovinus</i> ) is known to occur several miles south of the project site.
Fish and Wildlife	N	Design features of the proposed action including attaching white flagging to the top wire between posts during construction to alert wildlife to the new fence will prevent impacts. Some wildlife could be displaced during construction.
Wild Horses	N	The project area is not within a Herd Management Area (HMA) or Herd Area (HA).
Soils Resources	N	Soil surface disturbance would occur to the width of the equipment used to bury the proposed pipeline, including excavation and backfilling the trench for the pipe. Pipeline construction and installation of the water trough would disturb approximately 1.5 acres of land surface. Minor soil loss could occur as a result of erosion by wind. Soil surface disturbance would occur as a result of vehicle travel necessary for construction of the proposed fenceline. Maintenance access roads for the pipeline and fence would be used sporadically during the life of the facilities and is not expected to cause undue or excessive soil disturbance. Further analysis is not necessary.
Watershed	N	Proposed Action would have no effect on watershed health or function. Water from an underground source and/or construction of a boundary fence would

Resource/Concern	Issue(s) Analyzed (Y/N)	Rationale for Dismissal from Detailed Analysis or Issue(s) Requiring Detailed Analysis
		not affect the natural hydrologic system or balance of water in Coal Valley.
Visual Resources Management (VRM)	N	The proposed action is consistent with the VRM classification IV and III for the area therefore no direct or cumulative impacts to visual resources would occur.
Mineral Resources	N	There would be no modifications to mineral resources through the proposed action therefore no direct or cumulative impacts would occur to minerals.
Lands and Realty	N	There would be no modifications to land use authorizations through the proposed action, therefore no impacts would occur. No direct or cumulative impacts would occur to access and land use.
Recreation	N	Design features of the proposed action, including two cattle guards, will result in no effects on recreational uses.
Livestock Grazing	N	The boundary fence is expected to aid in meeting the standards for rangeland health. Permittees in the Murphy Gap Allotment include John Uhalde & Company and Double U Livestock, LLC. Both are licensed for grazing sheep and have the potential, as previously identified in the Seaman HMA Evaluation, to convert a portion of the permitted AUM's to cattle. The proposed action meets the need of the action. No further analysis is needed.
Vegetative Resources	N	Direct impacts to vegetation would be related to any removal and disturbance during construction. Two-track road would be created and remain visible until vegetation is naturally restored.

### **3.1 Water Resources**

#### **Affected Environment**

Water resources for the purpose of this EA are defined as surface and subsurface water sources, water rights, and use of water that occurs in the proposed project area.

The only water source, water right, and permitted use of water in the proposed project area is associated with Permit 62615 described in Section 1.2 of this EA. Permit 62615 is a commonly held permission to use water from Baseline Canyon Federal Unit #2 well in the 40 acre area near the wellhead. The titleholders of the permit are 10 private individuals or entities who are permitted to use the water from said well in and around the well. There is no division of water from the well, that is, all titleholders are permitted by the State Engineer of Nevada to use the water in the permitted use area.

#### **Proposed Action**

The operation to construct the pipeline and build the fence would not present direct, indirect, or cumulative effects on water or its beneficial use from Baseline Federal Unit #2 well. Putting the pipeline into actual use and/or precluding some livestock from accessing the location of the (POD) Point of Diversion and (POU) Place of Use for Permit 62615, by placement of a boundary fence, could have direct and indirect effects upon the permitted water use in the grazing allotments. That is, livestock belonging to all permit titleholders may not be capable of accessing the POU once the fence is in place and the grazing use split into two separate management areas.

The use of water, including that placed in the proposed pipeline, is the purview of the State Engineer of Nevada and as such BLM cannot grant permission for the use of water from Baseline Federal Unit #2 well or authorize the use of water away outside of the POU. Permission to change either the existing POU, POD, or manner of use of the water from Baseline Federal Unit #2 well can only come from the State Engineer of Nevada

Effects to water resources if the Proposed Action were selected are not expected to cause measureable changes in water use or distribution within the grazing allotments unless the pipeline becomes active without a corresponding permission from the State Engineer of Nevada for use of water via the proposed pipeline. Effects to water resources if the Proposed Action were selected are not expected to alter the use of permitted water unless gates are closed and cattleguards installed along the proposed fenceline. That would preclude access to the POU by all livestock.

#### **No Action**

The use and distribution of water from Baseline Federal Unit #2 well would not be affected if the No Action alternative is selected. The use of water and distribution of livestock would continue as in the existing condition. That is, the livestock permitted to graze in the common allotments would have equal access to the water source (POD) and the permitted use location (POU) as stated by the State Engineer in Permit 62615. The potential to affect a water right titleholder's permit to use water would be eliminated by not building a boundary fence and excluding some livestock from access to the POU.

## **4.0 CUMULATIVE EFFECTS**

### **4.1 Introduction**

As required under NEPA and the regulations implementing NEPA, this section analyzes potential cumulative impacts from past, present, and reasonably foreseeable future actions combined with the Proposed Action within the area analyzed for impacts in Chapter 3 specific to the resources for which cumulative impacts may be anticipated. A cumulative impact is defined as “the impact which results from the incremental impact of the action, decision, or project when added to other past, present, and reasonably foreseeable future actions, regardless of what agency (federal or non-federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time” (40 Code of Federal Regulations 1508.7).

The Cumulative Effects Study Area (CESA) on non-native, invasive species and water resources is defined as Coal Valley Watershed.

### **4.2 Past Present and Reasonably Foreseeable Future Actions**

Livestock grazing has a long history in the region dating back to the late 1800's. Throughout its history, livestock grazing has been characterized by localized areas of intense use. Hunting, trapping, wildlife viewing, and other activities occur on the watershed year round. OHV use may occur on the roads and two-tracks on the allotments. Range improvements have occurred on all allotments to improve grazing management and include fencing and stockwater developments.

Both allotments are currently being grazed by livestock. Hunting, trapping, wildlife viewing, and other activities occur on all allotments year round. OHV use may occur on the roads and two-tracks on the allotments. Maintenance of range improvements is ongoing.

Wildfires could likely be within the CESA. Hunting, trapping, wildlife viewing, and other activities will probably occur on the watershed year round. OHV use could occur on the roads and two-tracks on the allotments. Maintenance of range improvements is ongoing. New range improvement projects are considered on an annual basis and analyzed on a site-specific basis. Livestock grazing is likely to continue.

Current water permit titleholders may reasonably be expected to apply for a change in the quantity of water, POU, and manner of use associated with Permit 62615.

### **4.3 Cumulative Effects Analysis**

Continued use of CESA in accordance with BLM management objectives for the grazing allotments and potential changes to the permitted use of water within the allotments is not expected to lead to a measureable change in the surface and subsurface water sources, water rights, and quantity of water that occurs in the analysis area. Water use conditions would be set by the State Engineer of Nevada.

## **5.0 PROPOSED MITIGATION AND MONITORING**

### **5.1 Proposed Mitigation**

Outlined design features incorporated into the proposed action are sufficient. No additional mitigation is proposed based on the analysis of environmental effects.

### **5.2 Proposed Monitoring**

Appropriate monitoring has been included as part of the Proposed Action. No additional monitoring is proposed as a result of the impact analysis.

## **6.0 TRIBES, INDIVIDUALS, ORGANIZATIONS, OR AGENCIES CONSULTED**

### **6.1 Summary of Public Participation**

The public was notified of the proposed action through notification on the Ely District website on February 4, 2009. A public comment period was offered between February 19, 2009 through March 5, 2009. No comments were received. Additional interested public letters were sent on January 7, 2010. No comments were received.

- Tribal Coordination Letters were sent November 4, 2008. No concerns were identified.
- On February 4, 2009, letters were sent to interested persons and organizations informing them of this proposed action and to solicit concerns/comments. No comments were received.

### **6.2 List of Preparers**

Gina Jones	Ecologist
Heather Richter	Rangeland Resources
Sheri Wysong	Planning and Environmental Coordinator
Mindy Seal	Noxious and Invasive, Non-native Species
Alicia Styles	Wildlife, Special Status Species, Migratory Birds
Chris Linehan	Recreation, Visual Resources
Leslie Riley	Cultural Resources
Nicholas Pay	Cultural Resources
Mark D'Aversa	Soil, Water, Wetlands and Riparian, Floodplains
Elvis Wall	Native American Cultural Concerns
Melanie Peterson	Hazardous Materials, Safety
Alan Kunze	Minerals



## **6.0 REFERENCES, GLOSSARY AND ACRONYMS**

### **6.1 References Cited**

Floyd T, Elphick CS, Chisholm G, Mack K, Elston RG, Ammon EM, and Boone JD. 2007. Atlas of the Breeding Birds of Nevada. Reno: University of Nevada Press.

USDOJ. 2007. Ely Proposed Resource Management Plan/ Final Environmental Impact Statement. U.S. Department of the Interior, Bureau of Land Management. BLM/EL/PL-07/09+1793. DOI No. FES07-40. November 2007.

USDOJ. 2008. Ely District Record of Decision and Approved Resource Management Plan. U.S. Department of the Interior, Bureau of Land Management. BLM/NV/EL/PL-GI08/25+1793.

USDOJ, Bureau of Land Management. 2008. National Environmental Policy Act. Handbook H-1790-1.

USDOJ, Bureau of Land Management. 1994. Guidelines for assessing and documenting cumulative impacts. WO-IB-94-310.

USDOJ - BLM. 2006. Standards and Guidelines for Nevada's Mojave-Southern Great Basin Area.

### **6.2 Acronyms**

**BLM**-Bureau of Land Management

**CFR**-Code of Federal Regulations

**DR**-Decision Record

**EA**-Environmental Assessment

**EIS**-Environmental Impact Statement

**FLPMA**-Federal Land Policy and Management Act

**FMUD**-Final Multiple Use Decision

**FONSI**-Finding of No Significant Impact

**ID**-Interdisciplinary

**IM**-Instructional Memorandum

**NEPA**-National Environmental Policy Act

**RFFA**-Reasonably Foreseeable Future Action

**RMP**-Resource Management Plan

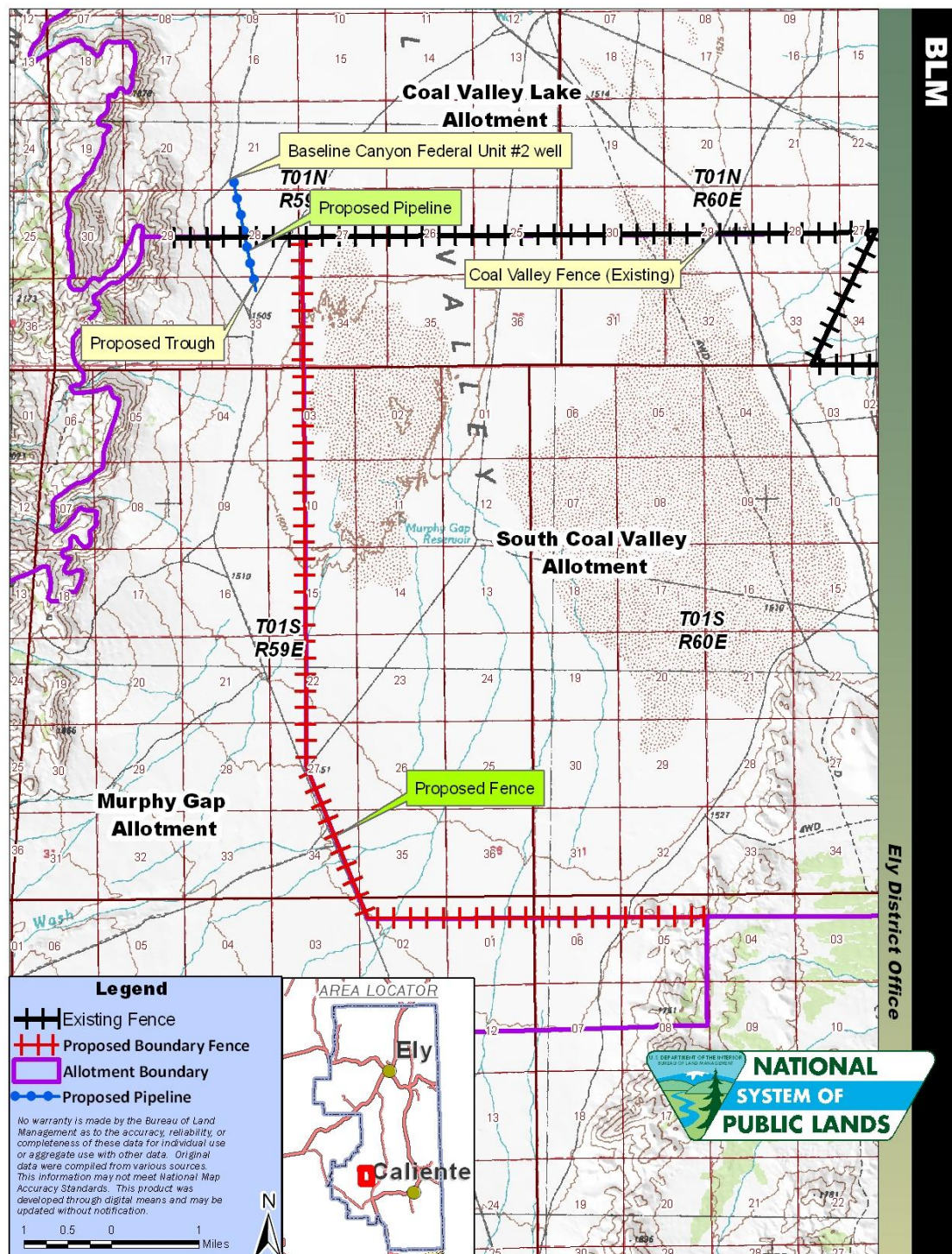


FIGURE I. Proposed action located in Lincoln County, Nevada.

## **APPENDIX I**

### **STANDARD OPERATING PROCEDURES**

The following SOP's that apply to the proposed action should be adhered to for the fence project:

1. Removal of vegetation will be held to the minimum necessary for construction, access, and to provide for safety.
2. Construction activities will be limited to times when soils are not wet or saturated, to lessen soil compaction by equipment. In addition, construction activities may be delayed by the authorized officer due to severely dry conditions, to prevent unnecessary erosion of soil resources.
3. Vehicle travel shall only be permitted along the proposed fence line corridor during the construction phase. Access will be via existing roads and trails whenever possible. Where existing roads are not available, off road travel will be kept to the minimum necessary for construction.
4. White flagging will be tied at each wire stay for visibility to animal herds. These will remain for a time sufficient to allow deer and antelope to see the newly constructed fence.
5. Maximum corridor width of the fence line would be a total of 16 feet.
6. If the need to use, store, and/or dispose of hazardous materials arises, which is not identified in this EA, the authorized person(s) constructing the project would notify and seek authorization from the BLM.
7. Maintenance of the fence project will be accomplished by the operator(s) through cooperative agreements with the BLM, or through range improvement permits.
8. Pursuant to 43 CFR 10.4(G) the holder of this authorization must notify the authorized officer by telephone, with written confirmation immediately upon discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (as defined at 43 CFR 10.2). Further, pursuant to 43 CFR 10.4 (c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.
9. All equipment and assorted materials associated with the construction of the project must be removed within 30 days after completion of the project. Project area cleanup will be accomplished by removing all refuse to an approved sanitary landfill.

## APPENDIX II

### **RISK ASSESSMENT FOR NOXIOUS & INVASIVE WEEDS**

#### **Murphy Gap Allotment Fence & Cattle Guard Lincoln County, Nevada**

On August 18<sup>th</sup>, 2008 a Noxious & Invasive Weed Risk Assessment was completed for the Murphy Gap allotment fence and cattle guard in Lincoln County, NV. The proposed action is to construct approximately 11.8 miles of fence along the boundary of the Murphy Gap allotment and the South Coal Valley allotment and install a pipeline from Baseline Canyon Well #2 (existing well) to a trough located 1 ¼ miles south. Pipeline construction includes the installation of the pipeline below the ground surface by the use of trenching machinery. Surface and soil disturbance would be limited to use of equipment within the pipeline alignment and at the water trough site. The proposed water trough location was chosen because of the proximity of an existing road and due to the opportunity to place the trough at a low elevation relative to the well. Installation of the pipeline and water trough would be completed in accordance with specifications approved by BLM and standard operating procedures for construction of a buried livestock water pipeline and the corresponding water trough, including any necessary reclamation or revegetation of areas disturbed by the installation. Two cattleguards would be needed, one at each of the two major road crossings; these roads are improved but not paved. New road construction would not be included for the proposed fenceline, but a two-track road would be created and remain visible until vegetation is restored along the fenceline alignment. Gates would be constructed at corners, intersections with two-track roads, and adjacent to cattleguards.

No field surveys were completed for this project. Instead, the Ely District weed inventory data was consulted. There are currently no documented weed infestations along the proposed project location. The following species are found along roads and drainages leading to the area:

*Tamarix spp.*

Salt cedar

This area was last inventoried for noxious weeds in 2007. While not officially inventoried the following non-native invasive weeds probably occur in or around the allotment: red brome (*Bromus rubens*), cheatgrass (*Bromus tectorum*), halogeton (*Halogeton glomerus*), and Russian thistle (*Salsola kali*).

**Factor 1 assesses the likelihood of noxious/invasive weed species spreading to the project area.**

None (0)	Noxious/invasive weed species are not located within or adjacent to the project area. Project activity is not likely to result in the establishment of noxious/invasive weed species in the project area.
Low (1-3)	Noxious/invasive weed species are present in the areas adjacent to but not within the project area. Project activities can be implemented and prevent the spread of noxious/invasive weeds into the project area.
Moderate (4-7)	Noxious/invasive weed species located immediately adjacent to or within the project area. Project activities are likely to result in some areas becoming infested with noxious/invasive weed species even when preventative management actions are followed. Control measures are essential to prevent the spread of noxious/invasive weeds within the project area.
High (8-10)	Heavy infestations of noxious/invasive weeds are located within or immediately adjacent to the project area. Project activities, even with preventative management actions, are likely to result in

	the establishment and spread of noxious/invasive weeds on disturbed sites throughout much of the project area.
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For this project, the factor rates as Moderate (4) at the present time. Over the entire project there will be minimal ground disturbance. However with the installation of a new buried pipeline and cattle guards, there is a risk of introducing weeds to those areas of the project.

**Factor 2 assesses the consequences of noxious/invasive weed establishment in the project area.**

Low to Nonexistent (1-3)	None. No cumulative effects expected.
Moderate (4-7)	Possible adverse effects on site and possible expansion of infestation within the project area. Cumulative effects on native plant communities are likely but limited.
High (8-10)	Obvious adverse effects within the project area and probable expansion of noxious/invasive weed infestations to areas outside the project area. Adverse cumulative effects on native plant communities are probable.

This project rates as High (8) at the present time. If new weed infestations establish within the project area could have an adverse impact those native plant communities since the area is currently considered to be weed-free. Also, any increase of red brome or cheatgrass could alter the fire regime in the area.

**The Risk Rating is obtained by multiplying Factor 1 by Factor 2.**

None (0)	Proceed as planned.
Low (1-10)	Proceed as planned. Initiate control treatment on noxious/invasive weed populations that get established in the area.
Moderate (11-49)	Develop preventative management measures for the proposed project to reduce the risk of introduction of spread of noxious/invasive weeds into the area. Preventative management measures should include modifying the project to include seeding the area to occupy disturbed sites with desirable species. Monitor the area for at least 3 consecutive years and provide for control of newly established populations of noxious/invasive weeds and follow-up treatment for previously treated infestations.
High (50-100)	Project must be modified to reduce risk level through preventative management measures, including seeding with desirable species to occupy disturbed site and controlling existing infestations of noxious/invasive weeds prior to project activity. Project must provide at least 5 consecutive years of monitoring. Projects must also provide for control of newly established populations of noxious/invasive weeds and follow-up treatment for previously treated infestations.

For this project, the Risk Rating is Moderate (24). This indicates that the project can proceed as planned as long as the following measures are followed:

- To eliminate the transport of vehicle-borne weed seeds, roots, or rhizomes all vehicles and heavy equipment used for the completion, maintenance, inspection, or monitoring of ground disturbing activities; or for authorized off-road driving will be free of soil and debris capable of transporting weed propagules. All such vehicles and equipment will be cleaned with power or high pressure equipment prior to entering or leaving the work site or project area. Cleaning efforts will concentrate on tracks, feet and tires, and on the undercarriage. Special emphasis will be applied to axels, frames, cross members, motor mounts, on and underneath steps, running boards, and front bumper/brush guard assemblies. Vehicle cabs will be swept out and refuse will be disposed of in waste receptacles.

- To eliminate the introduction of noxious weed seeds, roots, or rhizomes all interim and final seed mixes, hay, straw, hay/straw, or other organic products used for reclamation or stabilization activities, feed, bedding will be certified free of plant species listed on the Nevada noxious weed list or specifically identified by the BLM Ely District Office.
- To eliminate the introduction of noxious weed seeds, roots, or rhizomes all source sites such as borrow pits, fill sources, or gravel pits used to supply inorganic materials used for construction, maintenance, or reclamation will be inspected and found to be free of plant species listed on the Nevada noxious weed list or specifically identified by the BLM Ely District Office. Inspections will be conducted by a weed scientist of qualified biologist.
- Removal and disturbance of vegetation would be kept to a minimum through construction site management (e.g. using previously disturbed areas and existing easements, limiting equipment/materials storage and staging area sites, etc.)
- Reclamation would normally be accomplished with native seeds only. These would be representative of the indigenous species present in the adjacent habitat. Rationale for potential seeding with selected nonnative species would be documented. Possible exceptions would include use of non-native species for a temporary cover crop to out-compete weeds.
- Any newly established populations of noxious/invasive weeds discovered will be communicated to the Ely District Noxious and Invasive Weeds Coordinator for treatment.

Reviewed by: /s/ Bonnie Million

Bonnie M. Million  
Ely District Noxious & Invasive Weeds Coordinator

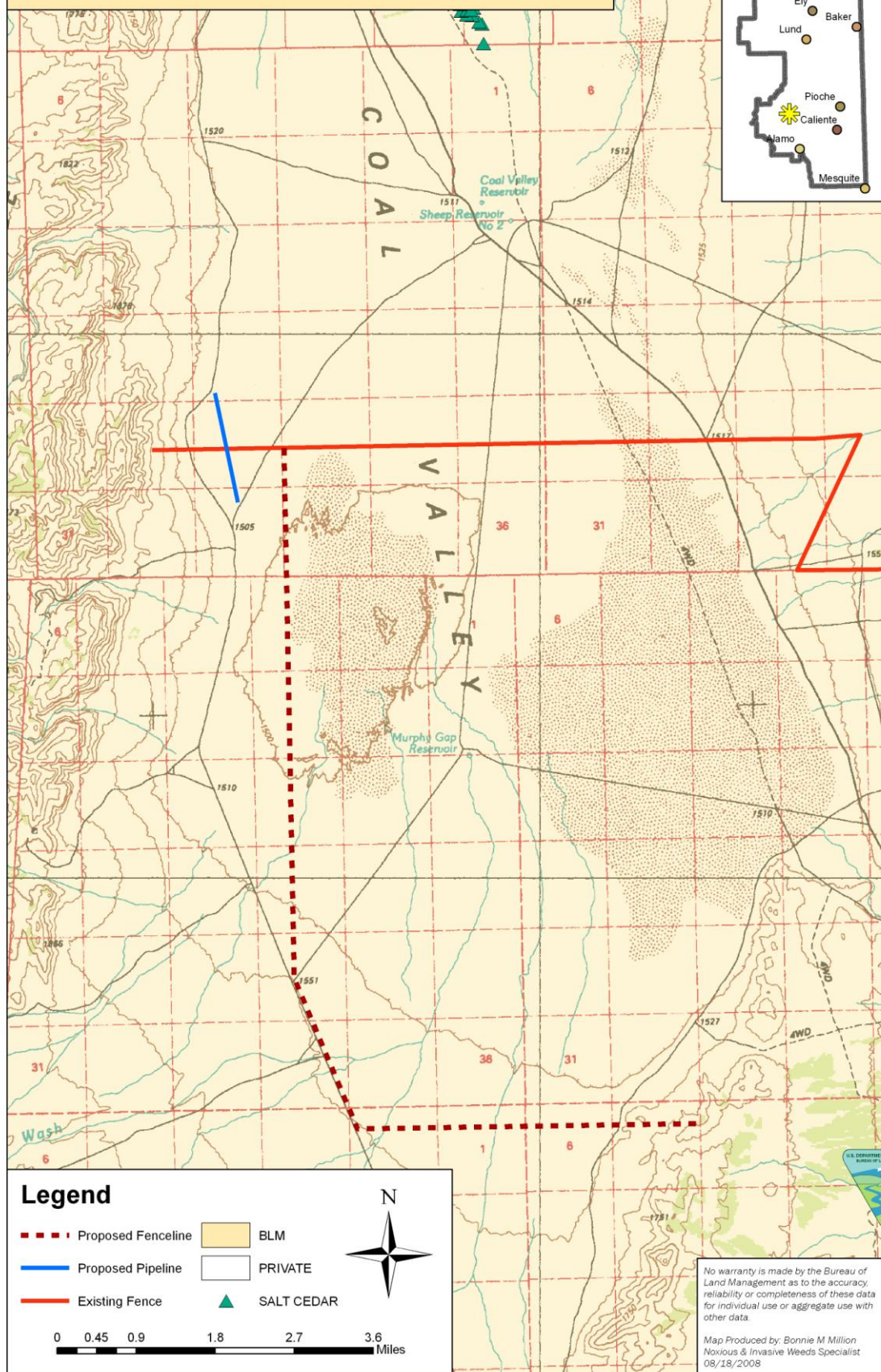
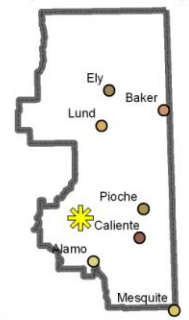
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Date



**Location within the  
Ely District boundary**

BLM



**Ely District Office**



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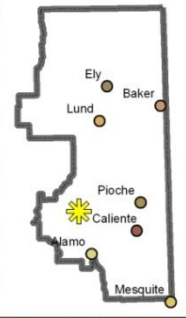
Map Produced by: Bonnie M Million  
Noxious & Invasive Weeds Specialist  
08/18/2008



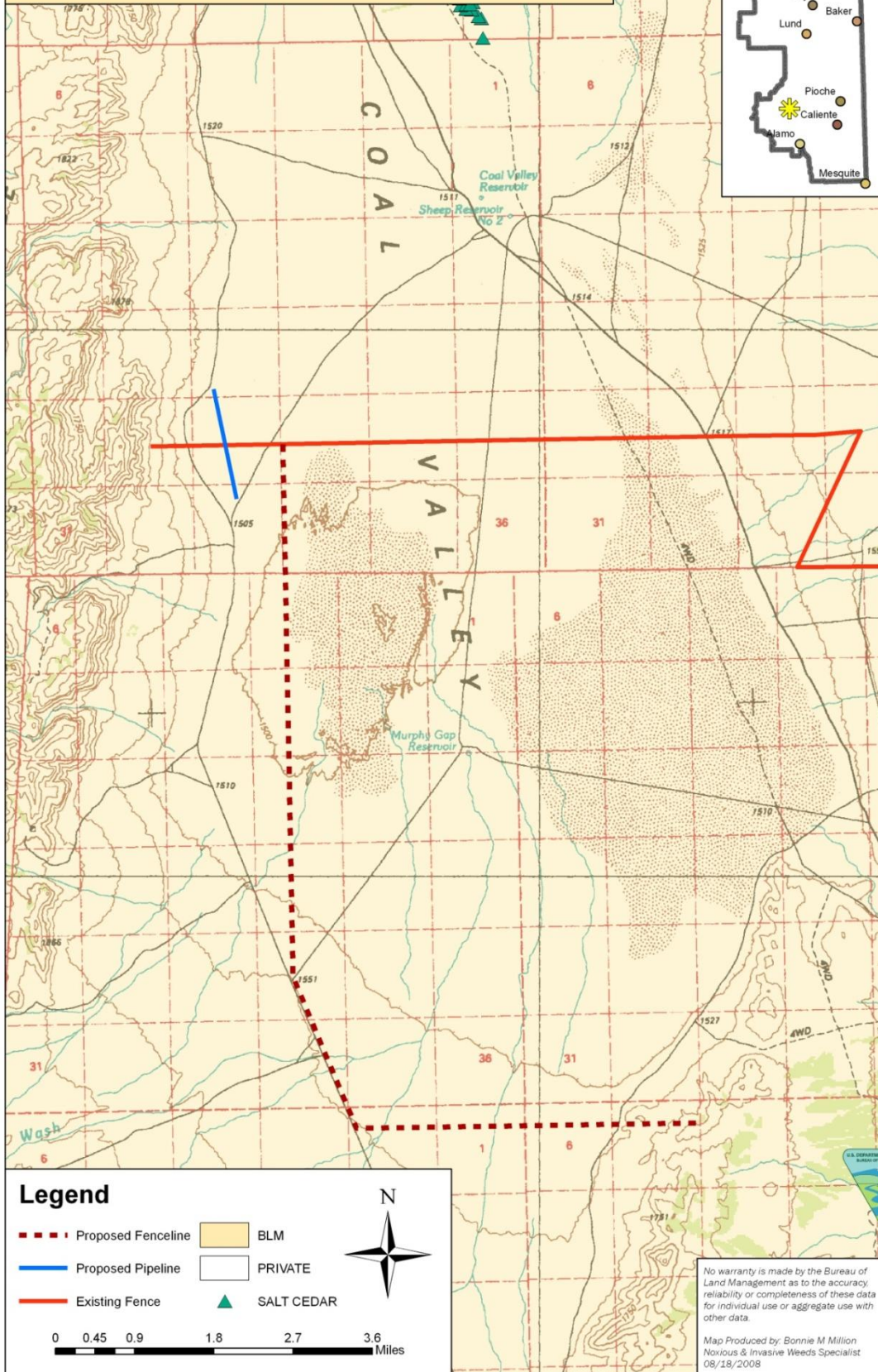
# Murphy Gap Fencing Project

## Documented Noxious & Invasive Weed Infestations

Location within the  
Ely District boundary



BLM



Ely District Office



### APPENDIX III: BIRD SPECIES

The following data reflect survey blocks and/or incidental sightings of bird species within the project boundaries from the Atlas of the Breeding Birds of Nevada (Floyd et al. 2007). These data represent birds that were confirmed, probably, or possibly breeding within the project boundaries. These data are not comprehensive, and additional species not listed here may be present within the project boundary. **BLM sensitive species are in bold.**

Turkey vulture (*Cathartes aura*)  
**Golden eagle** (*Aquila chrysaetos*)  
**Ferruginous hawk** (*Buteo regalis*)  
Mourning dove (*Zenaida macroura*)  
Horned lark (*Eremophila alpestris*)  
Common raven (*Corvus corax*)  
Blue-gray gnatcatcher (*Polioptila caerulea*)  
Northern mockingbird (*Mimus polyglottos*)  
Sage thrasher (*Oreoscoptes montanus*)  
**Loggerhead shrike** (*Lanius ludovicianus*)  
Black-headed grosbeak (*Pheucticus melanocephalus*)  
Brewer's sparrow (*Spizella breweri*)  
Black-throated sparrow (*Amphispiza bilineata*)  
Sage sparrow (*Amphispiza belli*)  
Western meadowlark (*Sturnella neglecta*)  
House finch (*Carpodacus mexicanus*)